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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,881	05/23/2001	Takaaki Amano	100809-16254 (SCET 18.698	9464
26304	7590	04/28/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			MOSLEHI, FARHOOD	
			ART UNIT	PAPER NUMBER

2154

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DATE MAILED: 04/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/863,881

Applicant(s)

AMANO ET AL.

Examiner

Farhood Moslehi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.8.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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1. Claims 1-8 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Rose et al. (5,752,244) (hereinafter Rose).

4. As per claim 1, Rose teaches a server system that provides a web site for accepting a request for reading a file issued from a terminal of a user via network to read out said request file, and for transferring the file to said terminal of the user, comprising:

Identification information accepting means for prompting a user to enter his/her identification information and for accepting the entered user identification information when the user requests access to said web site (e.g. col. 13, lines 47-60);

Identification information storage means for storing there-into the accepted user identification information for a predetermined time period (e.g. col. 7, lines 40-50); and classification means for classifying the user specified based on the accepted identification information into any one of predetermined plural groups in accordance with a counting result obtained by counting a number of the

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identification information storage means, which is agreed with the identification information of the user accepted by the identification information accepting means (e.g. col. 7, lines 25-50 "mmf_staff table" and col. 9, line 17, "mmf_asset table"). The classification information is tracked by the user_level variable in mmf_staff table and the hit count (usage) for each user is tracked by the usage_count variable in mmf_asset table.

5. As per claim 5, it is rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose in view of Brown et al. (5,941,947) (hereinafter Brown).

8. As per claim 2, Rose doesn't specifically show a server system wherein:

Said plurality of groups are composed of a first group and a second group;
and

The classification means classifies the user specified by the accepted identification information into the first group in the case that the number of the identification information agreed with the accepted identification information is larger than, or equal to a predetermined reference value and classifies the user

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specified by the accepted identification information into the second group in the case that the number of the identification information agreed with the accepted identification information is smaller than the predetermined reference value.

Brown teaches a server system wherein:

Said plurality of groups are composed of a first group and a second group (e.g. col. 2 and 3, lines 59-67 & 1-10 respectively); and

The classification means classifies the user specified by the accepted identification information into the first group in the case that the number of the identification information agreed with the accepted identification information is larger than, or equal to a predetermined reference value and classifies the user specified by the accepted identification information into the second group in the case that the number of the identification information agreed with the accepted identification information is smaller than the predetermined reference value (e.g. col. 2 and 3, lines 59-67 & 1-10 respectively). Users can be individual users or groups of users and the access right tokens are numeric values that will allow access to material and files or deny such actions. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Brown with Rose. The motivation would have been to provide for a numerical threshold value for accessing and tracking file accesses for the purpose of rewarding frequent users of the server.

9. As per claim 6, it is rejected for similar reasons as stated above.

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10. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose in view of Brown as applied to claim 2 above, and further in view of Hirata et al. (6,219,701) (hereinafter Hirata).

11. As per claim 3, Rose even when combined with Brown do not specifically teach a server system wherein said server system is further comprised of: log information recording means for recording thereon information related to the request for reading the file issued from the terminal of the user, which is accepted by said server system; and said log information recording means records thereinto the terminal of the user who is classified into the second group as a subject of the log information to be recorded. Hirata shows a server system wherein said server system is further comprised of: log information recording means for recording thereon information related to the request for reading the file issued from the terminal of the user, which is accepted by said server system (e.g. col. 4, lines 57-62); and said log information recording means records thereinto the terminal of the user who is classified into the second group as a subject of the log information to be recorded (e.g. col. 7, lines 35-33). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Rose with Hirata in order to achieve the means for saving the log information of the users. The log information can be analyzed for user usage-time and other useful statistics.

12. As per claim 7, it is rejected for similar reasons as stated above.

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13. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rose in view of Brown as applied to claim 2 above, and further in view of Kong et al. (6,473,401) (hereinafter Kong).

14. As per claim 4, Rose even when combined with Brown do not specifically teach a server system wherein: said server system is further comprised of: point applying means for applying an incentive point to the user, from whose terminal when accepted a request for reading a predetermined file issued; and said point applying means makes the user classified into the second group to be a point-applicable subject. Kong teaches a server system wherein: said server system is further comprised of: point applying means for applying an incentive point to the user, from whose terminal when accepted a request for reading a predetermined file issued (e.g. col. 3, lines 60-67); and said point applying means makes the user classified into the second group to be a point-applicable subject (e.g. col. 2, lines 7-11). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Rose, Brown and Kong. The motivation would have been to allow the frequent users of the system to have an easier path to the server. Furthermore, they could be tagged and recognized for statistical analysis of the server resource usage.

15. As per claim 8, it is rejected for similar reasons as stated above.

16. Applicant's arguments filed 3/01/2004 have been fully considered but are not persuasive.

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17. In the remarks, applicants argued in substance that (1) Rose neither discloses nor suggests any relationship between the means for counting asset use and the means for classifying users.

18. As to point (1) Rose shows classification means for classifying the user specified based on the accepted identification information into any one of predetermined plural groups in accordance with a counting result obtained by counting a number of the identification information storage means, which is agreed with the identification information of the user accepted by the identification information accepting means (e.g. col. 7, lines 25-50 "mmf_staff table" and col. 9, line 17, "mmf_asset table"). The classification information is tracked by the user_level variable in mmf_staff table and the hit count (usage) for each user is tracked by the usage_count variable in mmf_asset table.

Furthermore, Rose teaches about the different levels of user classification (e.g. col. 7, lines 51-65). The frequency of the use issue is addressed by Rose in the usage_count field (e.g. col. 10, lines 1-5).

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

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action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhood Moslehi whose telephone number is 703-305-8646. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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